

## Bur. of Consumer Financial Protection

whom a debt is owed, but such term does not include any person to the extent that the person receives an assignment or transfer of a debt in default solely for the purpose of facilitating the collection of debt for another.

*Debt collector* means any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due to another. Notwithstanding the exclusion provided by paragraph (iii) of this definition, the term includes any creditor who, in the process of collecting his own debts, uses any name other than his own which would indicate that a third person is collecting or attempting to collect such debts. The term does not include:

(i) Any person while acting as a debt collector for another person, both of whom are related by common ownership or affiliated by corporate control, if the person acting as a debt collector does so only for persons to whom it is so related or affiliated and if the principal business of such person is not the collection of debts;

(ii) Any nonprofit organization which, at the request of consumers, performs bona fide consumer credit counseling and assists consumers in the liquidation of their debts by receiv-

ing payments from such consumers and distributing such amounts to creditors;

(iii) Any person collecting or attempting to collect any debt owed or due or asserted to be owed or due another to the extent such activity:

(A) Concerns a debt which was originated by such person; or

(B) Concerns a debt which was not in default at the time it was obtained by such person; and

(iv) Any person engaged solely in enforcing a security interest.

*Test to define larger participants.* A nonbank covered person is a larger participant of the consumer debt collection market if the nonbank covered person's annual receipts resulting from consumer debt collection are more than \$10 million.

[77 FR 65798, Oct. 31, 2012]

EFFECTIVE DATE NOTES: 1. At 77 FR 65798, Oct. 31, 2012, §1090.105 was added, effective Jan. 2, 2013.

2. At 78 FR , 2013, 77 FR 72913, Dec. 7, 2012 was amended in paragraph (iii)(C) of the definition of *Annual receipts*, remove the second reference to “(iii)(B)” and add “(ii)(B)” in its place; in paragraph (iii)(D) of the definition of *Annual receipts*, remove “(iii)(B)” and add “(ii)” in its place; add the paragraph designation “(b)” before “*Test to define larger participants*”, effective Jan. 2, 2013.